

Application No.: 10/571,269**Docket No.: 324-185****REMARKS**

The indication of claims 3, 7, 8, 10 and 15-18 containing allowable subject matter is noted.

Claim 14 has been amended to indicate the computer readable medium is a tangible medium and to require the tangible medium to have computer readable indicia and the storage device to have computer readable indicia. As such, claim 14 is directed to an article of manufacture. Such claims have been found patentable by the Board subsequent to the In re Bilski decision, 88 USPQ2d 1385 (Federal Circuit 2008). In this regard, the attention of the examiner is directed to the enclosed copy of Ex parte Bo Li, decided November 6, 2008 by the Board of Patent Appeals and Interferences. In the Bo Li decision, claim 42, directed to "A computer program product, comprising a computer usable medium having a computer readable program code embodied thereon" was found to be in compliance with 35 USC 101. The Board noted that for a number of years a Beauregard claim of this nature be considered statutory and that this practice is not inconsistent with In re Nuijten, 500 F.3d 1346 (Federal Circuit 2007). Claim 14 of the present application is also a claim of the Beauregard type and is not inconsistent with Nuijten because it is directed to a computer readable tangible medium or a storage device, both of which are articles of manufacture, not processes. Claim 14 is also not inconsistent with Belski because Belski relates to method claims. Based on the foregoing, claim 14 complies with 35 USC 101.

Independent claims 1, 5, 11 and 14 have been amended in response to the comment in the Office Action, page 11, last phrase: "limitations from the specification are not read into the claims." As a result of these amendments, the rejection of claims 1, 2, 4-6 and 11-14 under 35 USC 102 (b) as being anticipated by Kim et al., US Patent Publication 2002/0116465, has been obviated.

Each of the independent claims now indicates (1) the telecommunication network

Application No.: 10/571,269**Docket No.: 324-185**

designates the mobile terminal by the address of the mobile terminal, and (2) the mobile terminal accesses the stored multimedia file only if the address of the mobile terminal supplied by the telecommunication network after the setting up of a connection with the mobile terminal is recognized through the telecommunication network. Claims 1, 11 and 14 indicate the access is gained after setting up a connection between the mobile terminal and the server through the telecommunication network. These newly added features are disclosed in applicant's application as a result of mobile terminal T1 being designated by an address AT1 supplied by the telecommunication network (page 7, lines 23-30; page 13, lines 33-34; page 18, lines 9-15). Such a designation is different from the universal resource locator (URL) address identifying the storage space ZPR-ZPU and relayed by the server SW (page 11, lines 11-14). Therefore, the telecommunication network, i.e., the home location register (HLR) of the telecommunication network RA1 (page 15, lines 4-13), knows the address of the mobile terminal and supplies this address to server SW (page 18, lines 9-15); figure 3, step 24) responsive to the setting up of a connection between said mobile terminal and said server through said telecommunication network.

The multimedia data stored in the Kim et al. VOD server 108 is accessible to the user terminal 100 by the URL address assigned by server 108, but is not accessible by the address of the terminal. As a result, Kim et al. do not anticipate claims 1, 5, 11 or 14. Because the remaining rejected claims depend on claims, they are also not anticipated by Kim et al.

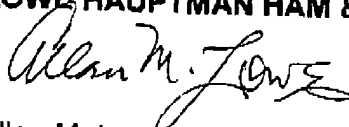
Allowance is in order.

Application No.: 10/571,269Docket No.: 324-185

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,

LOWE HAUPTMAN HAM & BERNER, LLP



Allan M. Lowe
Registration No. 19,641

1700 Diagonal Road, Suite 300
Alexandria, Virginia 22314
(703) 684-1111
(703) 518-5499 Facsimile
Date: February 17, 2009
AML/cjf